

No. 87-399

Supreme Court, U.S.
FILED

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JOSEPH F. SPANGL, JR.
CLERK

In The
Supreme Court of the United States

October Term, 1987

SUPREME COURT OF VIRGINIA, and
its Clerk, DAVID B. BEACH,

Appellants,

v.

MYRNA E. FRIEDMAN,

Appellee.

ON APPEAL FROM THE UNITED STATES
COURT OF APPEALS FOR
THE FOURTH CIRCUIT

JOINT APPENDIX

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Appeal Docketed: September 4, 1987
Probable Jurisdiction Noted: November 2, 1987

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<p>The following opinions, judgments and orders have been omitted in printing this joint appendix because they appear on the following pages in the appendix to the Jur- isdictional Statement* :</p>	
Order of the United States District Court for the Eastern District of Virginia, dated November 14, 1986	J.S.A. A-15
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*Hereafter referred to as "J.S.A. A——."

RELEVANT DOCKET ENTRIES

Sept. 25, 1986 Plaintiff's Complaint

Oct. 24, 1986 Defendants' Motion for Summary Judgment

Oct. 24, 1986 Plaintiff's Motion for Summary Judgment

Nov. 14, 1986 Hearing on Cross-Motions for Summary Judgment

Nov. 14, 1986 Order of Federal District Court Granting Plaintiff's Motion for Summary Judgment and entering Judgment for Plaintiff

Dec. 12, 1986 Defendant's Notice of Appeal to the Fourth Circuit Court of Appeals

Dec. 19, 1986 Order of Federal District Court Staying Judgment Pending Appeal

June 12, 1987 Opinion of Fourth Circuit Court of Appeals Affirming Federal District Court Judgment for Plaintiff

June 26, 1987 Appellant Supreme Court of Virginia's Petition for Rehearing and Suggestion for Rehearing In Banc

July 21, 1987 Order of Fourth Circuit Court of Appeals Denying Appellant's Petition for Rehearing and Suggestion for Rehearing In Banc

July 31, 1987 Order of Fourth Circuit Court of Appeals Staying Mandate Pending Appeal to the Supreme Court of the United States

Sept. 4, 1987 Jurisdictional Statement filed by Appellant Supreme Court of Virginia

Nov. 2, 1987 Supreme Court of the United States notes Probable Jurisdiction

6432 Forest Road
Cheverly, Maryland 20785
(301) 773-2385,

Plaintiff,

V.

Civil Action No.
86-1130-A

SUPREME COURT OF VIRGINIA) (Filed Sep. 25,
and) 1986)

**DAVID B. BEACH, Clerk,
Supreme Court of Virginia
Supreme Court Building
Richmond, Virginia 23219,**

Defendants.

**COMPLAINT FOR DECLARATORY AND
INJUNCTIVE RELIEF**

1. This action challenges the constitutionality of Rules 1A:1(4)(c) and 1A:3 of the Supreme Court of Virginia insofar as they require qualified attorneys who seek admission to the Virginia bar without examination to be permanent residents of Virginia. The plaintiff is employed full-time as an attorney with a corporation in Virginia, and she would be eligible for admission without examination, but for the fact that she lives in Maryland. She seeks declaratory and injunctive relief on the ground that this in-state residency requirement violates the Privileges and Immunities Clause, the Equal Protection Clause of the Fourteenth Amendment, and the Commerce Clause of the United States Constitution, as well as 42 U.S.C. § 1983.

2. This Court has jurisdiction under 28 U.S.C. §§ 1331 and 1343(3) and (4).

Parties

3. Plaintiff Myrna E. Friedman was admitted to the Illinois bar in 1977 and to the District of Columbia bar in 1980. She is currently Associate General Counsel of ERC International Inc., a Delaware corporation headquartered in Vienna, Virginia, with six subsidiaries incorporated and located in Virginia. She lived in Virginia from August 1977 until February 1986, when she married and moved to Maryland, where she resides with her husband.

4. Defendant Supreme Court of Virginia is empowered by Virginia Code § 54-67 to admit attorneys to the Virginia bar without examination if they have practiced law in another jurisdiction for at least three years.

5. Defendant David B. Beach is the clerk of the Supreme Court of Virginia, and his duties include processing applications for admission to the Virginia bar without examination and issuing certificates to practice law to successful applicants. He is sued solely in his official capacity.

Facts

6. Pursuant to Virginia Code § 54-67, defendant Supreme Court of Virginia has promulgated and currently administers rules allowing attorneys who have been licensed for at least five years by another jurisdiction to be admitted to the Virginia bar without examination and to practice law in Virginia.

7. Rule 1A:1 of the Rules of the Supreme Court of Virginia sets forth the procedures and requirements for gaining admission to the Virginia bar without examination. Clause (c) of that Rule specifies that, in order to be admitted in this manner, an applicant must be a "permanent resident of the Commonwealth."

8. Defendant Supreme Court of Virginia has also adopt and enforces Rule 1A:3, under which it may revoke the certificate of any attorney admitted to the Virginia bar without examination following receipt of evidence that the attorney is no longer a permanent resident of Virginia.

9. On 5 June 1986 plaintiff submitted to the Supreme Court of Virginia a properly completed application for admission to the Virginia bar without examination. In a letter accompanying her application she stated that she had previously worked as a lawyer for the United States Navy in Arlington, Virginia, then for a company located in the District of Columbia, and, since January 1986, for her current employer in Virginia. She stated that she had lived in Virginia from August 1977 until early 1986, when she got married and moved to her husband's home in Maryland. She added that she intended "to continue working full-time as an attorney for ERC International Inc. in Virginia."

10. By letter dated 17 June 1986 defendant Beach informed plaintiff that her application had been rejected, noting that "the Court interprets your letter of June 5, 1986 to be a statement that you are not a permanent resident of the Commonwealth of Virginia. Thus, you are not

eligible for admission to the Virginia Bar by reciprocity," citing Rule 1A:1(4)(c).

11. Plaintiff wishes to be admitted to the Virginia bar so that she can practice law in Virginia courts and otherwise advise and represent her employer and its subsidiaries on a range of legal issues.

12. But for the fact that plaintiff resides in Maryland, she is otherwise eligible for admission to the Virginia bar without examination.

Causes of Action

13. Defendants' refusal to admit plaintiff to the Virginia bar without examination because she is not a permanent resident of Virginia violates:

(a) the Privileges and Immunities Clause of the United States Constitution (Article IV, Section 2);

(b) the Equal Protection Clause of the Fourteenth Amendment to the United States Constitution;

(c) the Commerce Clause of the United States Constitution (Article I, Section 8, Clause 3); and

(d) 42 U.S.C. § 1983.

Prayer for Relief

Wherefore, plaintiff prays that this Court:

(1) declare unconstitutional the requirement of permanent residence in Virginia which is contained in Rules 1A:1(4)(c) and 1A:3 of the Rules of the Supreme Court of Virginia;

Dated: Washington, D.C.
25 September 1986

Attorney for Defendants

/s/ Cornish F. Hitchcock
 Cornish F. Hitchcock
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 2000 P St., NW, Suite 700
 Washington, DC 20036
 (202) 785-3704

/s/ John J. McLaughlin
 John J. McLaughlin
 313 Park Avenue, Suite 400
 Falls Church, VA 22046
 (703) 237-0125
 Attorneys for Plaintiff

SO ORDERED: /s/ Albert V. Bryan, Jr.
 United States District Judge

Dated: October 22d, 1986

UNITED STATES DISTRICT COURT
 EASTERN DISTRICT OF VIRGINIA
 Alexandria Division

MYRNA E. FRIEDMAN,)	
)	
Plaintiff,)	
	)	Civil Action No.
v.	)	86-1130-A
)	
SUPREME COURT OF	)	(Filed October 24,
VIRGINIA, <i>et al.</i>,	)	1986)
)	
Defendants.)	

DEFENDANTS' MOTION FOR SUMMARY
 JUDGMENT

Come now the defendants, the Supreme Court of Virginia, and its Clerk, the Honorable David B. Beach, by counsel, and pursuant to Rule 56 of the Federal Rules of Civil Procedure, move this Honorable Court to grant summary judgment in their favor and against plaintiff. A Memorandum of Law in support of this motion is attached hereto.

SUPREME COURT OF VIRGINIA,
et al

By: /s/ Gregory E. Lucyk
 Counsel

Mary Sue Terry
 Attorney General of Virginia
 James T. Moore, III
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 Richmond, Virginia 23219
 (804) 786-7584

(Certificate of Service Omitted)

UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF VIRGINIA
Alexandria Division

MYRNA E. FRIEDMAN,)	
)	
Plaintiff,)	
	)	Civil Action No.
v.	)	86-1130-A
)	
SUPREME COURT OF	)	(Filed October 23,
VIRGINIA, <i>et al.</i>,	)	1986)
)	
Defendants.)	

NOTICE OF MOTION

PLEASE TAKE NOTICE that at 10:00 A.M. on Friday, the 14th day of November, 1986, plaintiff Myrna E. Friedman will move the United States District Court for the Eastern District of Virginia, sitting at 200 South Washington Street in Alexandria, to grant summary judgment in her favor pursuant to Rule 56, Federal Rules of Civil Procedure. No material facts are in dispute, and she is entitled to judgment as a matter of law. In support of her motion, plaintiff submits an affidavit with exhibits and a memorandum of points and authorities.

Respectfully submitted,

/s/ John J. McLaughlin
313 Park Avenue, Suite 400
Falls Church, VA 22046
(703) 237-0125

/s/ Cornish F. Hitchcock
Alan B. Morrison
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Attorneys for Plaintiff

22 October 1986

IN THE UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF VIRGINIA
Alexandria Division

MYRNA E. FRIEDMAN,)	
)	
Plaintiff,)	
	)	Civil Action No.
v.	)	86-1130-A
)	
SUPREME COURT OF	)	(Filed December
VIRGINIA, <i>et al.</i>,	)	16, 1986)
)	
Defendants.)	

Friday, November 14, 1986

Alexandria, Virginia

Transcript of Cross Motions for Summary Judgment
in the above-captioned matter.

BEFORE:

The Honorable ALBERT V. BRYAN, JR., Judge
United States District Court

APPEARANCES:

FOR THE PLAINTIFF:

JOHN J. McLAUGHLIN, ESQUIRE
313 Park Avenue—Suite 400
Falls Church, Virginia 22046

C. F. (Con) HITCHCOCK, ESQUIRE
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* * *

DON McCOY, RPR
OFFICIAL COURT REPORTER
683-3668

FOR THE DEFENDANTS:

GREGORY E. LUCYK, ESQUIRE
 ASSISTANT ATTORNEY GENERAL
 Supreme Court Building
 101 N. 8th Street
 Richmond, Virginia 23220

* * *

(p. 39) in the commerce clause cases, where the issue is whether you are fencing people out entirely. The question is, are you giving your residents a benefit which you are not extending to nonresidents regardless of whether you have to offer it. The Tangier Sound (phonetic) fishing case in this Court, there is no obligation under the privileges and immunities clause to let people engage in commercial fishing for the type of fish being issued there. But once you do it you cannot discriminate.

We have discussed Sestrick more fully in the brief. If the Court has no further questions we will rely on the papers and the argument.

Thank you.

THE COURT: As I indicated earlier, I don't think that the plaintiff makes out a case either under the equal protection clause or the commerce clause. I think the latter is governed by the more recent Goldfarb case, and I think equal protection has probably been laid to rest as early as the Brown three judge court.

I do think she makes out a case under the privileges and immunities clause, however.

I do not think there is any substantial relation, and I think that is the test, between residence in this case and

the proficiency and commitment that the defendants seek to interpose as their justification for the rule.

(p. 40) Here the plaintiff has made the commitment to practice full time in the State of Virginia. Her only—the only difference between her and others who make such a commitment is residence, and concededly that where the State adopts a substitute for a Bar examination as the requirement for practice in the State, they are given a substantial discretion and leeway. Nevertheless, where residency is imposed, and that is the only difference here, that would have to bear some substantial relation, either to, or both to the ends sought to be accomplished, and that is a commitment to the jurisdiction and proficiency. Now the proficiency really can't be enhanced by residency. I don't gather that the defendants argue otherwise.

Commitment to the jurisdiction, it seems to me, can't be enhanced by residency unless you assume that the commitment she has made of agreeing to practice full time in Virginia is not going to be complied with; and I have no reason to think, and it hasn't been established on this record certainly, that nonresidents are less likely to live up to their commitments than residents. Nor do I think that there is any connection with compliance with the full-time commitment that is ensured by residency.

Again, you would have to reach the conclusion or find that that compliance is less likely to occur in the case of nonresidents than residents. That, as I indicated, is a (p. 41) provincialism we cannot indulge.

For these reasons, under the circumstances of this case, where the plaintiff has made the commitment to prac-

tice full time in Virginia, her requirement of, or the requirement of residence bears no substantial relation to any legitimate function of the State or commitment of the State or endeavor of the State. The rule runs afoul of the privileges and immunities clause, and is thus invalid.

I will prepare the order so declaring.

(Whereupon, the proceedings in the above-captioned matter were concluded.)

UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF VIRGINIA
Alexandria Division

MYRNA E. FRIEDMAN,

Plaintiff,

v.

CIVIL ACTION
NO. 86-1130-A

SUPREME COURT OF VIRGINIA, *et al.*,

Defendants.

MOTION FOR STAY OF JUDGMENT
PENDING APPEAL

Now come the defendants, the SUPREME COURT OF VIRGINIA, and its Clerk, DAVID B. BEACH, by counsel, and pursuant to Fed. R. Civ. P. 62, move this Court for an order staying enforcement of the order entered by this Court on November 14, 1986, granting plaintiff's motion for summary judgment and declaring invalid the residency requirement of Rule 1A:1 of the Rules of the Supreme Court of Virginia, pending disposition of defendants' appeal to the United States Court of Appeals for the Fourth Circuit.

The reasons for granting the requested stay are stated with particularity in the Memorandum of Law attached hereto.

Respectfully submitted,

SUPREME COURT OF VIRGINIA,
et al.

By: /s/ Gregory E. Lueyk
Counsel

(Certificate of Service Omitted)

VIRGINIA LAWYERS WEEKLY

November 24, 1986

Cite this Page 1 VLW 421

Residency Rule Struck Down

An applicant for admission to the Virginia Bar on the basis of reciprocity need not be a full-time resident of Virginia as long as the applicant intends to practice full time in the Commonwealth, according to a recent U.S. District Court ruling striking down the residence requirement of Virginia Supreme Court Rule 1A:1. That provision, according to Chief Judge Albert V. Bryan, Jr., of Alexandria, violates the Privileges & Immunities Clause of the U.S. Constitution.

Under the decision, *Friedman v. Supreme Court of Virginia*, (No. 86-1130-A), so long as an attorney licensed in another jurisdiction for five years can certify that he or she intends to practice full time as a member of the Virginia bar, the fact that the attorney is living in Maryland, Tennessee, or any other contiguous state will not preclude admission by motion under Rule 1A:1.

But whether the first successful challenge to Rule 1A:1(4)(c) will result in skyrocketing reciprocity admissions in Virginia is the subject of some debate, as the state Supreme Court defendants in the suit consider whether to appeal the *Friedman* case.

Background

Plaintiff Myrna E. Friedman was admitted to the Illinois bar in 1977 and to the District of Columbia bar in 1980. Friedman formerly practiced with the Department of the Navy in Arlington, Va., and with Communications

Satellite Corporation in Washington, D.C. In January 1986, she became Associate General Counsel of ERC International, Inc., and began working at corporate headquarters in Vienna, Virginia.

In February 1986, Friedman married and moved from Virginia, where she had lived since 1977, to her husband's home in Cheverly, Maryland. On June 5, 1980 Friedman submitted her application for admission. In an accompanying letter Friedman stated that although she was not a Virginia resident, the state's concerns should be satisfied, "since there will be no problem as far as a location for service of process is concerned, nor should it be difficult for me to be reached for court appearances should the need arise, since my office is in Virginia." In an affidavit submitted with her motion for summary judgment, Friedman asserted that she would be willing to volunteer for *pro bono* assignments and to fulfill continuing legal education requirements.

Defendant David B. Beach, Clerk of the Supreme Court of Virginia, advised Friedman on June 17, 1986, that because she was not a permanent resident of Virginia, she was not eligible for admission by reciprocity.

Friedman filed suit on September 25, 1986, challenging Rules 1A:1(4)(c) and 1A:3 as violative of the Privileges and Immunities Clause, the Equal Protection Clause and the Commerce Clause.

Summary Judgment Hearing

Defendants' case relied heavily on *Sestric v. Clark*, 755 F.2d 655 (7th Cir. 1985), in which the Seventh Circuit upheld a residency requirement applicable to reciprocity ad-

mission only. However, Cornish F. Hitchcock, of the Public Citizen Litigation Group, who argued Friedman's case, told *Lawyers Weekly* that *Sestric* was factually and legally distinguishable from the *Friedman* case.

The Illinois reciprocity rule at issue in *Sestric* excluded Illinois residents as well as non-Illinois residents, and the Privileges & Immunities clause was held not to apply. Further, the Illinois rule, unlike the Virginia rule, did *not* require members admitted on motion to practice full time in the state. Judge Bryan correctly reasoned that if an attorney is willing to work full time in the state, there is less rationale for requiring them to also *reside* in the state."

"In any event, *Sestric* is completely wrong," continued Hitchcock, "because the U.S. Supreme Court's decision in *New Hampshire v. Piper*, [470 U.S. 274 (1985)], totally undercuts the argument that residence is synonymous with commitment and willingness to do a good job."

"The judge sifted through all the facts, and saw that the only reason Friedman had not been admitted on motion was because of her current residence in Maryland," commented John J. McLaughlin, of Falls Church, Va., who served as local counsel in the case. "This attorney works in Virginia. Her livelihood depends on her knowing Virginia law. Her corporation wants her to be able to go into Virginia courts and do its work. She has made a pledge in Virginia, and that pledge cut through a lot of the state's arguments about her commitment to practice in Virginia," continued McLaughlin.

Supreme Court's Response

Beach, named as a defendant in his official capacity as Clerk of the Supreme Court, indicated that the Court has

yet to decide how it will respond to the decision. He acknowledged that among the options the Court faces are to appeal the case, to modify Rule 1A:1 to conform to Judge Bryan's ruling, or to entirely abandon admission by reciprocity, a change which might require a statutory amendment.

Beach indicated the Court would hold any motion applications of non-residents pending its decision on how to respond to Judge Bryan's ruling.

Attorneys considering submitting such an application should note the elements of Friedman's potentially successful application, recommended counsel for Friedman. The essential element is the commitment to full time practice. Attorney Hitchcock advised attorneys filing the application form to simply assert that they intend to practice full time in the Commonwealth and will not be dividing their time between other jurisdictions. In this respect, Friedman's indication on her application that she was also applying for admission to the Maryland bar apparently did not affect her application in Judge Bryan's eyes.

Although the extras offered by Friedman, such as willingness to do *pro bono* work, may not be absolutely necessary, Attorney McLaughlin would advise submission of such an affidavit where possible.

Impact Of Case

The decision will primarily affect attorneys who live in the metropolitan D.C. area but practice for a Virginia law firm, corporation, or trade association, according to Randall Scott, Executive Director of the voluntary Bar Association of the District of Columbia.

The crucial issue in assessing the impact of the *Friedman* case for practitioners served by his association, said Scott, is the interpretation of (4)(d) of Rule 1A:1, which requires an attorney to "intend" to practice full time in Virginia. "If a well-formed, honest intent at the time of application to practice full time in Virginia is sufficient for admission on motion, the impact of the decision could be significant," stated Scott. The question is whether there is any authority to revoke a license if the bona fide intent to practice in Virginia was evidenced at the time of admission.

Rule 1A:3 provides for enforcement of both the residence and fulltime practice requirements. Judge Bryan's ruling also struck down that portion of the rule which would permit the Supreme Court to revoke the license of an attorney admitted on motion who no longer resided in Virginia. However, neither the Supreme Court nor the State Bar has been actively pursuing enforcement of either the residence or full time practice requirement.

"This is not something that falls within our area of discipline," said N. Samuel Clifton, Executive Director of the Virginia State Bar. According to Clifton, the onus would be on the individual attorney to notify the Court of a change in residence, and the matter likely would be handled administratively through the Court, rather than through policing by the state bar. Bar Counsel Michael L. Rigsby told *Lawyers Weekly* that in the nine years he had been involved in the disciplinary system, he had never seen a disciplinary action involving the Rule 1A:3 residence requirement. Indeed, the full time practice requirement of 1A:3 had arisen only once in that time period, in

a case which turned primarily on other disciplinary violations.

Number of Attorneys Affected

In an affidavit filed with defendants' motion for summary judgment in the *Friedman* case, Beach indicated that in 1985 the Court admitted 106 attorneys to practice under Rule 1A:1, six patent and trademark attorneys under the companion Rule 1A:2, and three law professors. In 1986, through the end of October, the court admitted 113 attorneys to practice under Rule 1A:1, two patent and trademark attorneys, and four law professors.

Defendants in their reply memorandum argued that "there can be no doubt that if residency were eliminated, the number of reciprocity admissions in Virginia would skyrocket, and enforcement [of the full time practice requirement] problems would be greatly compounded."

In support of this assertion, defendants cited the experience of the District of Columbia, which admitted by reciprocity 11,456 attorneys from 1975 to 1981, an average of 1,636 attorneys per year. Defendants raised the spectre of "hit-and-run" practitioners, who would "promise" full-time practice, but actually divide their time between jurisdictions, or even establish sham offices of "office-sharing" arrangements in order to "comply" with the rule.

However, Attorney Hitchcock sees a relatively limited impact for the decision. "It will be useful to people in Friedman's situation, but it won't open any floodgates because the Rule retains the full time practice requirement," said Hitchcock. He noted defendants' affidavit in-

dicating the number of attorneys admitted on motion in 1985 and in 1986, and predicted a slight increase as a result of the *Friedman* decision. "The principal beneficiaries will be experienced attorneys joining Virginia law firms or companies, whose admission will be quicker, since they can now be admitted without taking the bar examination."

McLaughlin declined to speculate on how many attorneys might ultimately be affected by the *Friedman* ruling, should it withstand an appeal. "This is a unique case on the facts," said McLaughlin, since the plaintiff here had no difficulty fulfilling the full-time practice requirement. "I don't know how many people you would have in this fact situation."

VSB Committee

The Virginia State Bar Committee on Legal Education and Admission to the Bar has also been following the *Friedman* case.

The Committee's primary focus, according to its Chairman Daniel A. Carrell of Richmond's Hunton & Williams, has been on the residency requirement of Va. Code § 54-60, which was held to violate the Privileges & Immunities Clause in *Giller v. Virginia Board of Bar Examiners*, No. 83-1282-A (E.D. Va., Feb. 8, 1984). As a result of the U.S. Supreme Court decision in *Piper*, the Virginia Board of Bar Examiners adopted a rule permitting non-resident applicants to sit for the Virginia Bar examination.

"The Committee hasn't tried to formulate a viewpoint on any specific residency requirement," said Carrell.

"Our interest has not been to reflect viewpoints, but to keep track of what's going on and try to decide what would be an appropriate response, either through the legislature or through a change of rules."

"My own view is that I rather doubt the *Friedman* case will have an impact on what the Committee is doing," continued Carrell. He also indicated that he could see the arguments on both sides of the issue of a residence requirement for candidates for admission on motion. "I think there are legitimate issues on both sides and the question ought to be appealed."

A decision on whether to appeal the case will probably come this week, when the Supreme Court convenes in Richmond for the November session of court.

UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF VIRGINIA
Alexandria Division

MYRNA E. FRIEDMAN
6432 Forest Road
Cheverly, Maryland 20785
(301) 773-2385,

Plaintiff,

v.

SUPREME COURT OF VIRGINIA
and
DAVID B. BEACH, Clerk,
Supreme Court of Virginia
Supreme Court Building
Richmond, Virginia 23219,

Defendants.

(Filed October 24, 1986)

DAVID B. BEACH, being duly sworn, according to law, deposes and says the following:

1. That I am the Clerk of the Supreme Court of Virginia. In the course of performing the regular and customary duties of the Clerk, I am familiar with the manner in which the Supreme Court administers Rules 1A:1 and 1A:3 of the Rules of the Supreme Court of Virginia, relating to the admission of foreign attorneys to practice in this state without examination.

2. I am submitting this affidavit at the direction of the Court in order to confirm and further define the purpose and intention of those rules as originally set forth in the Court's decisions in *Matter of Brown*, 213 Va. 282 (1972), and *Matter of Titus*, 213 Va. 289 (1972).

3. There is no requirement of residence in Virginia for admission to the state's bar by examination, nor is there is a requirement of residence in Virginia in order to sit and take the bar examination. Any non-resident attorney may gain admission to the Virginia bar without regard to his or her residence by satisfying the usual ethical requirements and by taking and passing the Virginia bar examination. The non-resident attorney, by taking and passing the bar examination, demonstrates a commitment to service in Virginia, and provides assurance that he or she has gained sufficient knowledge of Virginia's laws and procedures to serve the public as a proficient Virginia practitioner. The non-resident attorney thus admitted is free to engage in the practice of law generally in the Commonwealth, and in any other jurisdiction where that attorney may be admitted to practice.

4. The Virginia rule permitting admission without examination was adopted pursuant to the Court's discretionary authority under Va. Code § 54-67, solely to make it easier for a practicing attorney who has permanently relocated in Virginia from another jurisdiction to gain admission to the Virginia bar in cases where the relocating attorney's jurisdiction of origin accords the same privilege to Virginia practitioners. The purpose of the rule is to promote interstate mobility among providers of professional legal services, while securing for the citizens of Virginia an informed, stable and responsible bar. It was never intended to serve as a vehicle for facilitating the multi-jurisdictional practice of law. The provisions of Rule 1A:1 requiring that the relocating attorney "has become a permanent resident of the Commonwealth," and "intends

to practice full time as a member of the Virginia bar" were added simultaneously in their present form to the Foreign Attorney Admission Rule in 1961 [see 202 Va. xii (1961)]. These provisions are interdependent, and are intended to take the place of the assurances otherwise provided by the bar examination.

5. The Court believes that both the full time practice and permanent residence requirements of its rule are necessary to ensure that attorneys seeking admission to the bar without examination have the same professional qualifications of commitment to service to the jurisdiction and familiarity with Virginia law that are demonstrated by those attorneys who gain admission to the bar by taking and passing the bar examination. The full time practice provision promotes attorney competence by mandating frequent and consistent exposure to Virginia law. Aside from the Court's reliance on the good faith of an applicant's assertion in the application that he or she "intend[s] to practice full time as a member of the Virginia bar," (see form of application attached hereto), or the receipt of a third party complaint that the Rule is being violated, there is no other readily available or administratively feasible mechanism for monitoring or enforcing that requirement for all foreign attorneys who have been or may be admitted without examination. The Court believes that compliance with the full time practice requirement is facilitated by requiring the attorney seeking admission without examination to become a permanent resident of the Commonwealth. The applicant's willingness to reside in the Commonwealth in lieu of taking the bar examination demonstrates his or her commitment to service

to the bar of Virginia and to Virginia clients, and ensures that the demands of an out of state practice or residence in a distant location will not stand in the way of the applicant's becoming a proficient Virginia practitioner.

Given under my hand this 21st day of October, 1986.

/s/ David B. Beach
Clerk, Supreme Court of Virginia

STATE OF VIRGINIA)
) to-wit:
CITY/COUNTY OF)

This day personally appeared before me, the undersigned Notary Public, who acknowledged the above signature as his own and made oath that the matters and things stated in the foregoing are true to the best of his knowledge, belief and information.

Given under my hand this 21st day of October, 1986.

My commission expires: August 7, 1989

/s/ Deberah L. Chavis
Notary Public

SUPREME COURT OF VIRGINIA
APPLICATION OF FOREIGN ATTORNEY FOR
LICENSE TO PRACTICE LAW IN VIRGINIA

I, ———, who have heretofore been admitted to practice law in the ——— Court of ———, which is the court of last resort of that ———, am a permanent resident of the Commonwealth of Virginia at ——— and intend to practice full time as a member of the Virginia bar, do hereby apply for a license to practice law in the Commonwealth of Virginia, under the provisions

of Section 54-67 of the Code of Virginia and Rule 1A:1 of this Court, and give the following further information:

Place of birth ——— Date ———

Name of father ——— Name of mother ———

Office address of former residence (No. and Street) ———

(City or town) ———

Are you a native-born citizen, or naturalized? ———

If naturalized, where and when? ———

Has your license to practice law ever been revoked or suspended? ———

Are any charges of unprofessional conduct pending against you? ———

Given under my hand this ——— day of ———, 19—.

(Name) ———

(Address) ———

Subscribed and sworn to before me this ——— day of ———, 19—.

Notary Public

Fee, \$50.00.

STATE OF ——— :

I, ———, Chief Justice of the ——— of the State of ———, which is the court of last resort in said state, do hereby certify that ——— has been entitled to practice law in said court for the last five years, and that at-

torneys from the Commonwealth of Virginia are admitted to practice in this State without examination.

Given under my hand this ——— day of ———, 19—.

Chief Justice of the ———

Court of ———

I, ———, Clerk of the ——— Court of ———, do hereby certify that ——— whose name is signed to the foregoing certificate, was at the time of signing said certificate Chief Justice of the ——— Court of ——— and that the foregoing is his true and genuine signature.

Witness my hand and the seal of said court, this ——— day of ———, 19—

Clerk of the ———

(Seal)

*MOTION OF VIRGINIA ATTORNEY MOVING APPLICANT'S ADMISSION

I, ———, a member of the Virginia bar, hereby move the Court to admit ——— to practice law in this Commonwealth.

Given under my hand this ——— day of ———, 19—.

*This motion is not to be filled in until after the application has been approved by the Court and the applicant appears for introduction to the Court.

UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF VIRGINIA
Alexandria Division

MYRNA E. FRIEDMAN,)	
)	
Plaintiff,	)	Civil Action
	)	No. 86-1130-A
v.)	
)	
SUPREME COURT OF	)	(Filed October
VIRGINIA <i>et al.</i>,	)	23, 1986)
)	
Defendants.)	

AFFIDAVIT OF MYRNA E. FRIEDMAN

Myrna E. Friedman hereby declares and states as follows:

1. My name is Myrna E. Friedman. I reside at 6432 Forest Road in Cheverly, Maryland. I am the plaintiff in this case and am submitting this affidavit in support of my motion for summary judgment.

2. I graduated *magna cum laude* from Indiana University School of Law in May 1977. After graduation, I took the Illinois bar examination and was admitted to the Illinois bar in October 1977. I was admitted to the District of Columbia bar by motion in March 1980, and I am currently a member in good standing of both bars.

3. From 1977 to 1982, I was employed as a civilian attorney in the U.S. Department of the Navy, working in the Litigation Division of the Office of the General Counsel in Arlington, Virginia. I was responsible for litigating cases before the Armed Services Board of Contract Ap-

peals, as well as handling some federal court litigation. From 1982 until early 1986, I was an attorney with the Communications Satellite Corporation ("COMSAT") in Washington, D.C., where I drafted contracts, provided legal advice, and participated in some negotiations and litigation.

4. In January 1986, I joined ERC International Inc. as Associate General Counsel. ERC International Inc. is a Delaware corporation which has its headquarters in Vienna, Virginia, where I work. ERC International Inc. has seven subsidiaries incorporated and located in Virginia. My duties include drafting contracts and advising my employer and its subsidiaries on contract matters and securities law. In carrying out these responsibilities, I am regularly asked to offer legal advice on Virginia law. In addition, I have been asked to represent my employer and its subsidiaries in state and federal court in Virginia, which I am unable to do at present, and we refer those cases to outside counsel, which is more costly than if we could handle these cases in-house.

5. When I began work at ERC International, I sought admission to the Virginia bar without examination under Rule 1A:1 of the Rules of the Supreme Court of Virginia. I was interested in being admitted to the Virginia bar in order to represent my employer in litigation in Virginia courts. In addition, since my work entailed drafting contracts, offering legal advice and engaging in similar activities on a full-time basis, I wanted to be sure I would not be engaging in the unauthorized practice of law. While I was eligible to take the bar examination, I did not wish to take time away from my job nor to incur the expense to do so.

(Corrected affidavit page—Filed by Friedman in the District Court on November 7, 1986.)

6. At that time, I was fully eligible for admission under Rule 1A:1, not only because I intended to practice full-time in Virginia, but also because I was then a resident of Virginia, where I had lived continuously since August 1977. When I telephoned the Supreme Court in Richmond, however, I was told that application forms were temporarily unavailable because they were being changed and that I should call back in the spring.

7. In February 1986 I got married and moved from my condominium in Arlington, Virginia to my husband's house in Cheverly, Maryland. I subsequently obtained the forms for admission to the Virginia bar without examination, and on 5 June 1986, I mailed a completed set of papers to the Supreme Court of Virginia.

8. I enclosed with my application a letter in support of my application, explaining that I had lived in Virginia for eight and one-half years and had only recently moved to Maryland to be with my husband. I added that since I would continue to work in Virginia on a full-time basis, I would stay abreast of local rules and practices, and there would be no problem with respect to my availability for court appearances or my amenability to service of process or any legal papers. Although I did not mention it in my letter, I am also willing to handle cases on a *pro bono* basis in Virginia, to attend continuing legal education courses, and to perform any other duties or responsibilities required of members of the Virginia bar. I have attached as Exhibits A and B, respectively, copies of my letter and the questionnaire which the Supreme Court of

Virginia submits to the National Conference of Bar Examiners for a character investigation. I do not have a copy of the application form which is reviewed by the Supreme Court of Virginia.

9. By a letter dated 17 June 1986, David B. Beach, the Clerk of the Supreme Court of Virginia, informed me that my application had been denied. Mr. Beach wrote: "I have been directed to advise you that the Court interprets your letter of June 5, 1986 to be a statement that you are not a permanent resident of the Commonwealth. Thus, you are not eligible for admission to the Virginia bar by reciprocity," citing clause (c) of Rule 1A:1. A copy of Mr. Beach's letter is attached as Exhibit C.

Pursuant to 28 U.S.C. § 1746, I declare under penalty of perjury that the foregoing is true and correct.

Executed at Vienna, Virginia this 16th day of October, 1986.

/s/ Myrna E. Friedman

Friedman v. Supreme Court of Virginia, CA 86-1130A

Plaintiff's Exhibit A

ERC

INTERNATIONAL

CORPORATE OFFICE

2070 Chain Bridge Road, Suite 400

Vienna, Virginia 22180

(703) 827-0720

Telex 901986

5 June 1986

Supreme Court of Virginia

Supreme Court Building

100 N. Ninth Street

Richmond, Virginia 23219

Re: Admission on Motion

Gentlemen:

Enclosed herewith is my application and supporting documentation for admission on motion to the bar of the Commonwealth of Virginia. Although my situation is somewhat different from other applicants on motion, I hope you will consider and grant my application.

I became a resident of Virginia in August 1977 and remained so until the beginning of this year. I worked from 1977 to 1982 as a trial attorney for the Navy, in Crystal City (Arlington), Virginia. From March 1982 to January 1986, I was employed as an attorney for Communications Satellite Corporation in the District of Columbia. Throughout, I maintained my home in Virginia. In January of this year, I became Associate General Counsel for ERC International Inc. in Vienna, Virginia. Shortly thereafter, I married a gentleman from Maryland, also an attorney, and moved to his home in Maryland. I continue to own my property in Virginia, and intend to continue working full-time as an attorney for ERC International Inc. in Virginia.

I believe that my circumstances meet the spirit if not the letter of your regulations concerning admission on motion. The only thing separating my situation from a Virginia resident's, who would be eligible for admission on motion, is a few months' time. I also believe my circumstances fit within the purview of *Supreme Court of New Hampshire v. Piper*, 470 U.S. —, 105 S.Ct. 1272 (1985), and the protection of the Privileges and Immunities Clause of the Constitution, Article IV, Section 2, in that there

appears to be no reason to discriminate against my petition as a nonresident for admission to the Bar on motion, since I have only been a nonresident for a few months and have maintained and will continue to maintain other relevant ties to Virginia. Thus, I do not believe that the rationale of *Goldfarb v. Supreme Court of Virginia*, 766 F.2d 859 (4th Cir. 1985), *cert. denied*, — U.S. —, 106 S.Ct. 862 (1986), applies to my case, since the only reason I do not fall fully within the scope of the rule is my change of marital status. I believe the state's concerns should be satisfied since there will be no problem as far as a location for service of process is concerned, nor should it be difficult for me to be reached for court appearances should the need arise, since my office is in Virginia. And, of course, it is in my best interest to keep myself as informed of local rules as any other Virginia practitioner. I can understand your reluctance to grant admission on motion to attorneys who intend to practice only occasionally within the state, but as far as the practice of law is concerned, I will be in full-time Virginia practice, so I am effectively in residence in Virginia.

Therefore, I request that the Court grant my application for admission on motion to the bar, based on my employment and other connections to the State.

Thank you for your consideration.

Sincerely,

/s/ Myrna E. Friedman
Associate General Counsel

MEF:sp

APPLICANT'S QUESTIONNAIRE

National Conference of Bar Examiners
333 North Michigan Avenue, Suite 1025
Chicago, Illinois 60601

Friedman v. Supreme Court of Virginia, CA 86-1130-A

PLAINTIFF'S EXHIBIT B

I.

Questionnaire

Name MYRNA ELAINE FRIEDMAN 349-38-9210
First Middle Last Social Security No.

Sex (circle one): Male Female

Date of birth: Month 1 Day 17 Year 1949

Place of birth (City, State, Country) Chicago, Illinois, USA

Area codes and telephone numbers where you can be reached during the next four months

(301) 773-2385 (703) 827-0720 ()
Home Office Other

Current mailing address:

Number and Full Street Name 6432 FOREST ROAD
or P.O. Box — Apartment —

City CHEVERLY

State MD Zip Code 20785

Country USA

1. Circle the name of each jurisdiction to which you are applying for admission. If you are applying to New York, indicate to which Judicial Department (I, II, III, or IV) you are applying.

AL Alabama	ID Idaho	NE Nebraska	PR Puerto Rico
AK Alaska	IL Illinois ✓	NV Nevada	RI Rhode Island
AZ Arizona	IN Indiana	NH New Hampshire	SC South Carolina
AR Arkansas	IA Iowa	NJ New Jersey	SD South Dakota
CA California	KS Kansas	NM New Mexico	TN Tennessee
CO Colorado	KY Kentucky	NY New York—I	TX Texas
CT Connecticut	LA Louisiana	NY New York—II	UT Utah
County	ME Maine	NY New York—III	VT Vermont
DE Delaware	MD Maryland ✓	NY New York—IV	VA Virginia ✓
DC District of	MA Massachusetts	NC North Carolina	VI Virgin Islands
Columbia	MI Michigan	ND North Dakota	WA Washington
FL Florida	MN Minnesota	OH Ohio	WV West Virginia
GA Georgia	MS Mississippi	OK Oklahoma	WI Wisconsin
GU Guam	MO Missouri	OR Oregon	WY Wyoming
HI Hawaii	MT Montana	PA Pennsylvania	Other —

(✓ Denotes circled items in copy)

2. Circle the name of every jurisdiction to which you have previously been admitted. If you were admitted in New York, indicate to which Judicial Department. If admitted in Pennsylvania, complete Form 15.

AL Alabama	ID Idaho	NE Nebraska	PR Puerto Rico
AK Alaska	IL Illinois ✓	NV Nevada	RI Rhode Island
AZ Arizona	IN Indiana	NH New Hampshire	SC South Carolina
AR Arkansas	IA Iowa	NJ New Jersey	SD South Dakota
CA California	KS Kansas	NM New Mexico	TN Tennessee
CO Colorado	KY Kentucky	NY New York—I	TX Texas
CT Connecticut	LA Louisiana	NY New York—II	UT Utah
County	ME Maine	NY New York—III	VT Vermont
DE Delaware	MD Maryland	NY New York—IV	VA Virginia
DC District of	MA Massachusetts	NC North Carolina	VI Virgin Islands
Columbia ✓	MI Michigan	ND North Dakota	WA Washington
FL Florida	MN Minnesota	OH Ohio	WV West Virginia
GA Georgia	MS Mississippi	OK Oklahoma	WI Wisconsin
GU Guam	MO Missouri	OR Oregon	WY Wyoming
HI Hawaii	MT Montana	PA Pennsylvania	Other —

3. List below all the other names or surnames you have used or been known by and describe when, how, and why your name was changed (e.g., "marriage" or "divorce"). If a change was made in a judicial or naturalization proceeding, enclose an exact and complete copy of the order or other evidence of change in the Document Envelope.

First, Middle, Last Name	Used from	Used to	Descrip. of chg.
MYRNA ELAINE FRANKLE	1986	19 present	MARRIAGE

4. Are you a citizen of the United States? ☒ YES ☐ NO
If no, what is your official immigration status?

5. Did you register under the Selective Service Act?

☐ Yes. My Selective Service number was At the time I registered, I resided in (City, State)

☒ No, because it is not required.

6. Mark one choice below to indicate whether you have ever been a member of the armed forces of the United States, including the National Guard or any of the reserve components, and provide any additional information that is requested.

☒ I have never been a member

[] I am still a member; my rank is

My serial number is

Check branch of service:

Air Force Army Coast Guard Marines Navy National Guard

Beginning date of active service

Currently stationed at

Address

City State Zip

Current telephone number []

Name and Telephone number of commanding officer

[] I was a member and received an Honorable Discharge. If you marked this choice, enclose a copy of REPORT OF SEPARATION DD FORM 214 in the Document Envelope and go to Question 7.

[] I was a member, but I did not receive an Honorable Discharge. If you marked this choice, then indicate:

Type of Discharge Service Number

Service rank at discharge

Enclose a copy of REPORT OF SEPARATION DD FORM 214 in the Document Folder.

Circle branch of service:

Air Force Army Coast Guard Marines Navy National Guard

Dates of active service: from (Month) .., 19.. to

(Month) .., 19..

Circumstances surrounding your release

7. List every residence you have ever had during the last ten years or since you were first admitted to the bar in any state (whichever period of time is longer). List addresses in reverse chronological order starting with your current one.

From Mo/Yr To Mo/Yr

2/86 present Address 6432 FOREST ROAD Apt.
City CHEVERLY State MD
Zip 20785 Country if not United States

From Mo/Yr To Mo/Yr

5/81 2/86 Address 2516-B S. ARLINGTON MILL DRIVE

City ARLINGTON

Zip 22206

Country if not United States

Apt.

State VA

From Mo/Yr To Mo/Yr

9/78 5/81 Address 6580 YADKIN COURT

City ALEXANDRIA

Zip 22310

Country if not United States

Apt.

State VA

From Mo/Yr To Mo/Yr

8/77 9/78 Address 1225 MARTHA CUSTIS DRIVE Apt. 1118

City ALEXANDRIA

Zip 22305

Country if not United States

State VA

From Mo/Yr To Mo/Yr

5/77 8/77 Address 6143 N. MOZART STREET

City CHICAGO

Zip 60659

Country if not United States

Apt.

State IL

From Mo/Yr To Mo/Yr

8/76 5/77 Address 322 E. SECOND STREET

City BLOOMINGTON

Zip 47401

Country if not United States

Apt. 9

State IN

From Mo/Yr To Mo/Yr

5/76 8/76 Address 3201 LANDOVER

City ALEXANDRIA

Zip 22304

Country if not United States

Apt.

State VA

8. List below the names of all the Law Schools you attended, their location (including the name of the campus if the school had more than one), the dates attended, and the degree(s) received. Mark "ND" if you did not receive a degree.

Law School INDIANA UNIVERSITY City BLOOMINGTON State IN
From (mo/yr) 8/74 To (mo/yr) 5/77 Degree(s) JD

9. Did you engage in law office study in lieu of attending law school? [] [X] NO

If yes, under the approval of what jurisdiction? —

Indicate when and where: From —, 19 — to —, 19—

Name of firm —

Employer —

Address —

City — State — Zip —

10. List the names of all of the other colleges and universities you attended, their location (including the name of the campus if the school had more than one), the dates attended, and the degree(s) received. Mark "ND" if you did not receive a degree.

College NORTHWESTERN UNIVERSITY

City EVANSTON, State IL

From (mo/yr) 9/69 To (mo/yr) 6/71 Degree(s) MA

College UNIVERSITY OF ILLINOIS

City CHAMPAIGN State IL

From (mo/yr) 9/65 To (mo/yr) 6/69 Degree(s) BA

College AMUNDSEN-MAYFAIR City CHICAGO State IL

From (mo/yr) 9/64 & 6/65 To (mo/yr) 1/65 & 9/65 Degree(s) ND

11. Were you ever expelled, suspended for any reason or otherwise disciplined when you were in college or law school?

[] YES [X] NO

If you marked YES, state the school name, year, type of sanction imposed, and the reasons for it.

School Name _____ Year _____

Type of Sanction _____ Reasons _____

12. List every state to which you ever submitted an application to be admitted by exam, motion or diploma privilege (or reinstated) to the bar, even if you subsequently withdrew the application. For each application, indicate the date it was submitted (or the first exam taken) and its ultimate disposition (admitted to the bar, withdrew application, or not admitted). Explain any withdrawals of applications or failures to be admitted (other than those due to failing the examination). If admitted to the Bar of New York, state the Judicial Department (I, II, III, or IV) to which you were admitted.

Applied for admission Admitted or readmitted

State IL (mo/yr) 7/77 (mo/yr) 10/77

Not admitted because (circle words)

Failed exam Withdraw application Other reason

Please explain fully _____

Applied for admission Admitted or readmitted

State DC (mo/yr) 4/78 (mo/yr) 3/80

Not admitted because (circle words)

Failed exam Withdraw application Other reason

Please explain fully Delay in time was due to large number of applications for admission by motion received by the District of Columbia.

13. List the full name, city, and state of each bar association of which you have been a member. If you have never been a member of any bar association, check this box [] and go to Question 14.

Name of bar association	City (main office)	State
AMERICAN BAR ASSOCIATION	CHICAGO	IL
DC BAR ASSOCIATION	WASHINGTON	DC

14. State the names and addresses of all state and federal trial and appellate courts and administrative agencies before which you have ever been disqualified from practicing law.

Name of court _____ Date admitted _____

Address _____

City _____ State _____ Zip _____

Disqualified from (mo/yr) _____ to (mo/yr) _____

Explanation of the reason for the disqualification _____

Name and address of authority in possession of the records regarding the disqualification:

Name _____

Address _____

City _____ State _____ Zip _____

15. Have you ever been disbarred, suspended, censured, or otherwise reprimanded or disqualified as an attorney, or as a member of any other profession, or as a holder of any public office? [] YES [X] NO

16. Are any charges or complaints (formal or informal) now pending concerning your conduct as an attorney, or as a member of any other profession, or as a holder of any public office? [] YES [X] NO

17. If you marked YES to Question 15 and/or 16, state the date of each action and the name and address of the authority in possession of the records regarding this action.

Year of action: 19— Type of action or complaint —

Name and address of the authority in possession of the records regarding this action.

Name —

Address —

City — State — Zip —

Year of action: 19— Type of action or complaint —

18. Have you ever held judicial office? [] YES [X] NO
If you marked YES, provide the following information about each office:

Held from 19— to 19— Office held —

Address —

City — State — Zip —

Reason for termination if not still held —

19. List below in reverse chronological order starting with your current job, all your legal employment. The list should include self-employment, clerkships, temporary or part time jobs, and military service if in a legal capacity. If you were self-employed, list every address where you were located.

Mo/Yr began Mo/Yr ended

1/86 — Firm or employer ERC INTERNATIONAL
INC.
Address 2070 CHAIN BRIDGE ROAD,
SUITE 400
City VIENNA State VA Zip 22180

Mo/Yr began Mo/Yr ended

3/82 1/86 Firm or employer COMMUNICATIONS
SATELLITE CORP.
Address 950 L'ENFANT PL. S.W.
City WASHINGTON State DC Zip 20024

Mo/Yr began Mo/Yr ended

8/77 3/82 Firm or employer U.S. NAVY, OFFICE
OF GENERAL COUNSEL
Address LITIGATION OFFICE (formerly
Contract Appeals Division)
City WASHINGTON State DC Zip 20360

Mo/Yr began Mo/Yr ended

5/76 8/76 Firm or employer U.S. NAVY, OFFICE
OF GENERAL COUNSEL
Address HEADQUARTERS
City WASHINGTON State DC Zip 20360

20. Complete one copy of FORM 10 for each job listed in Question 19. Make as many additional copies of FORM 10 as you need to describe each job. Your application will be processed only after you provide all the information requested on FORM 10 for each job.

21. List below in reverse chronological order starting with your most recent job, all non-legal employment you have had in the last ten years or since admission to the bar, whichever period of time is longer. Include self employment, part time, and temporary employment.

Mo/Yr began Mo/Yr ended

— — Firm or employer None
Address —
City — State — Zip —

22. Complete one copy of FORM 11 for each job listed in Question 21. Make as many additional copies of FORM 11 as you need to describe each job (plus two extras for Question 24). Your application will be processed only after you provide all the information requested on FORM 11 for each job.

23. Have you ever applied for (including applications that were withdrawn) or held a license for a business, trade, or profession, other than as an attorney at law, the procurement of which required proof of good character and/or an examination (such as certified public accountant, patent practitioner, or real estate broker)?

[] YES—answer Question 24 [X] NO—go to Question 26

24. Provide the information requested below about each license that required proof of good character and/or an examination.

Mo/Yr Applied — Type of License —

Issuing Authority —

Address —

City — State — Zip —

25. A. Have you ever withdrawn any license application or have you ever been denied a license? ☐ YES ☐ NO
 B. Have you ever had a license revoked? ☐ YES ☐ NO
 C. Have you ever permitted a license to expire?
☐ YES ☐ NO

Explain circumstances: _____

26. Has any surety on any bond on which you were the obligator been required to pay any money on your behalf?
☐ YES ☒ NO
27. Are there any lawsuits or unsatisfied judgments pending against you? ☐ YES ☒ NO
28. Have you ever had a credit card revoked? ☐ YES ☒ NO
29. Have you ever filed or been the subject of a petition in bankruptcy? ☐ YES ☒ NO
30. Have you ever been adjudged a bankrupt or insolvent?
☐ YES ☒ NO
31. Have you ever been charged with fraud, deceit, misrepresentation, forgery, or legal malpractice in any civil, criminal, administrative, or other proceeding? ☐ YES ☒ NO
32. Have you ever been cited, arrested, charged or convicted for any violation of any law (except minor traffic violations)?
☐ YES ☒ NO
33. If you marked YES to any of the seven questions above (26-32), insert in the Document Envelope a complete description of the facts associated with each YES answer on FORM 12. Make as many copies of FORM 12 as you need for this purpose.
34. How many traffic violations have you had in the past eight years? 1
35. During the past eight years, have you ever been addicted to or treated for the use of any drug, including alcohol?
☐ YES ☒ NO

36. During the past eight years, have you ever been treated for any mental, emotional or nervous disorders?
☐ YES ☒ NO
37. Have you ever been voluntarily or involuntarily committed to an institution for mental, emotional or nervous disorders?
☐ YES ☒ NO

38. If you marked YES to Questions 35, 36, or 37 complete:

1. FORM 13, Medical Records Release, and insert it in the Document Envelope.
2. FORM 14, Description of Mental, Emotional or Nervous Disorders, and insert it in the Document Envelope. Make as many copies of FORM 14 as needed to describe each of the events related to your answers in Questions 35 and 36 above, including dates, location, type of problem, and name and address of attending physician, hospital, or institution.

Your application will be processed only after these documents are accurately and fully completed.

39. State the names and addresses of three references in every locality where you have practiced. If you have not practiced previously, provide the names and addresses of three references in each locality in which you have lived during the past 15 years. References should be persons with whom you are personally acquainted and preferably those who are not your former or present employers or law partners. Do not list anyone as a reference who is related to you by blood or marriage.

Name G. LORRAINE EAVES

Firm Name COMMUNICATIONS SATELLITE CORP.

Address 950 L'ENFANT PLAZA S.W.

Suite No. _____

City WASHINGTON State DC Zip 20024

Telephone (202) 863-6160 Occupation ATTORNEY Years known 4

Name ELIZABETH A. TUNKS

Firm Name NAVY GENERAL COUNSEL

Address LITIGATION OFFICE Suite No. _____

City WASHINGTON State DC Zip 20360

Telephone (202) 746-1000 Occupation TRIAL ATTORNEY
 Years known 8

Name SAMUEL J. GRONER

Firm Name DEPARTMENT OF LABOR

Address 1111-20th STREET N.W., Suite No. 811

City WASHINGTON State DC Zip 20036

Telephone (202) 653-5113 Occupation ADMINISTRATIVE JUDGE

Years known 9

40. Give the names and addresses of two clients who are not related to you by blood or marriage. If you have not had any clients, substitute the names of two law professors or other attorneys. The persons listed here must be different from those listed under Question 39.

Name ARLENE TATE

Firm Name COMMUNICATIONS SATELLITE CORP.

Address 950 L'ENFANT PL. S.W. Suite No. ———

City WASHINGTON State DC Zip 20024

Telephone (202) 863-6710 Occupation PROCUREMENT DIRECTOR Years known 4

Name JAMES McKENNA

Firm Name COMMUNICATIONS SATELLITE CORP.

Address 950 L'ENFANT PL. S.W. Suite No. ———

City WASHINGTON State DC Zip 20024

Telephone (202) 863-6160 Occupation DIRECTOR, GOVERNMENT SALES Years known 4

41. Give the names and addresses of three attorneys who are not related to you by blood or marriage. The attorneys listed here must be different from those listed under Questions 39 and 40.

Name JOHN S. HANNON, JR.

Firm Name COMMUNICATIONS SATELLITE CORP.

Address 22300 COMSAT DRIVE Suite No. ———

City CLARKSBURG State MD Zip 20871

Telephone (301) 428-4780 Years known 4

Name PHILLIP AVRUCH

Firm Name COMMUNICATIONS SATELLITE CORP.

Address 22300 COMSAT DRIVE Suite No. ———

City CLARKSBURG State MD Zip 20871

Telephone (301) 428-4780 Years known 4

Name ROBERT MANSBACH

Firm Name COMMUNICATIONS SATELLITE CORP.

Address 950 L'ENFANT PLAZA S.W. Suite No. ———

City WASHINGTON State DC Zip 20024

Telephone (202) 863-7163 Years known 4

42. Insert three original Notarized copies of the *Authorization and Release Form* in the Document Envelope.

I have read the foregoing document and have answered all questions fully and frankly. The answers are complete and true to the best of my knowledge.

/s/ Myrna E. Friedman

Signature

5/21/86

Date

FORM 10/DESCRIPTION OF LEGAL EMPLOYMENT

Name	Myrna	Elaine	Friedman	349-38-9210
	First	Middle	Last	Social Security No.

Began 1, 1986 Ended ———

Employer or Firm ERC International Inc.
(do not abbreviate)

Firm's address at the time of employment:

Address 2070 Chain Bridge Road, Suite 400

City Vienna State VA Zip 22180

Telephone (703) 827-0720

Firm's current name and address if not the same as above:

Name ———

Address ———

City ——— State ——— Zip ———

Telephone (——) ———

Nature of employer's business Professional Services Company

Immediate Supervisor/Associate William L. Sargeant

Current address 2070 Chain Bridge Road, Suite 400

City Vienna State VA Zip 22180

Position(s) held Associate General Counsel

Reason for leaving N/A

Note: Please discuss fully your reasons for leaving including disciplinary reasons such as excessive absences or tardiness.

If you are a Sole Practitioner, or if firm is now out of business, please provide name, address and telephone number of a verifying reference.

Name _____
 Address _____
 City _____ State _____ Zip _____
 Telephone (____) _____

FORM 10/DESCRIPTION OF LEGAL EMPLOYMENT

Name Myrna Elaine Friedman 349-38-9210
 First Middle Last Social Security No.
 Began 3, 1982 Ended 1, 1986

Employer or Firm Communications Satellite Corp.
 (do not abbreviate)

Firm's address at the time of employment:

Address 950 L'Enfant Plaza S.W.
 City Washington State DC Zip 20024
 Telephone (202) 863-6000

Firm's current name and address if not the same as above:

Name _____
 Address _____
 City _____ State _____ Zip _____
 Telephone (____) _____

Nature of employer's business International Satellite
 Communications

Immediate Supervisor/Associate G. Lorraine Eaves

Current address 950 L'Enfant Plaza S.W.
 City Washington State DC Zip 20024

Position(s) held Attorney, General Attorney

Reason for leaving Obtained better job.

Note: Please discuss fully your reasons for leaving including disciplinary reasons such as excessive absences or tardiness. If you are a Sole Practitioner, or if firm is now out of business, please provide name, address and telephone number of a verifying reference.

Name _____
 Address _____

City _____ State _____ Zip _____
 Telephone (____) _____

FORM 10/DESCRIPTION OF LEGAL EMPLOYMENT

Name Myrna Elaine Friedman 349-38-9210
 First Middle Last Social Security No.

Began 8, 1977 Ended 3, 1982

Employer or Firm U.S. Navy, Office of General Counsel
 (do not abbreviate)

Firm's address at the time of employment:

Address Litigation Division
 City Washington State DC Zip 20360
 Telephone (202) 692-6540

Firm's current name and address if not the same as above:

Name U.S. Navy, Office of General Counsel
 Address Litigation Division
 City Washington State DC Zip 20360
 Telephone (202) 746-1000

Nature of employer's business Attorney for U.S. Navy

Immediate Supervisor/Associate Sandra J. Martell

Current address 4616 Coffey Lane
 City Minneapolis State MN Zip 55406

Position(s) held Trial Attorney

Reason for leaving Obtained better job; desired to move to private sector.

Note: Please discuss fully your reasons for leaving including disciplinary reasons such as excessive absences or tardiness.

If you are a Sole Practitioner, or if firm is now out of business, please provide name, address and telephone number of a verifying reference.

Name _____
 Address _____
 City _____ State _____ Zip _____
 Telephone (____) _____

FORM 10/DESCRIPTION OF LEGAL EMPLOYMENT

Name Myrna Elaine Friedman 349-38-9210
 First Middle Last Social Security No.

Began 5, 1976 Ended 8, 76

Employer or Firm U.S. Navy, Office of General Counsel
 (do not abbreviate)

Firm's address at the time of employment:

Address Headquarters
 City Washington State DC Zip 20360
 Telephone (202) 692-7136

Firm's current name and address if not the same as above:

Name U.S. Navy, Office of General Counsel

Address Headquarters

City Washington State DC Zip 20360
 Telephone (202) 692-7214

Nature of employer's business Attorney for U.S. Navy

Immediate Supervisor/Associate Harvey J. Wilcox, Jon Van Horne
 Current address U.S. Navy, Office of General Counsel (for Mr.
 Wilcox; Mr. Van Horne's is unknown)

City Washington State DC Zip 20360

Position(s) held Law Clerk

Reason for leaving Summer position only.

Note: Please discuss fully your reasons for leaving including
 disciplinary reasons such as excessive absences or tardiness.

If you are a Sole Practitioner, or if firm is now out of business,
 please provide name, address and telephone number of a veri-
 fying reference.

Name _____

Address _____

City _____ State _____ Zip _____

Telephone (____) _____

SUPREME COURT OF VIRGINIA

Supreme Court Building
 Richmond, Virginia 23219

June 17, 1986

CHIEF JUSTICE

Harry L. Carrico

CLERK

David B. Beach

DEPUTY CLERK

Patricia Goding Davis

JUSTICES

George M. Cochran

Richard H. Poff

A. Christian Compton

Roscoe B. Stephenson, Jr.

Charles S. Russell

John Charles Thomas

EXECUTIVE

SECRETARY

Robert N. Baldwin

ASST. EXECUTIVE

SECRETARY

Frederick A. Hodnett, Jr.

CHIEF STAFF

ATTORNEY

John Thomas Bruce

STATE REPORTER

Kent Sinclair

Myrna Elaine Friedman, Esq.
 Attorney at Law
 2070 ChainBridge Road, #400
 Vienna, Virginia 22180

Dear Ms. Friedman:

I have been directed to advise you that the Court in-
 terprets your letter of June 5, 1986 to be a Statement that
 you are not a permanent resident of the Commonwealth of
 Virginia. Thus, you are not eligible for admission to the
 Virginia Bar by reciprocity. Clause (c) of Rule 1A:1.

Upon advice of the Attorney General of Virginia, the
 Court has concluded that the decision in *Supreme Court
 of New Hampshire v. Piper*, — U.S. — (1985), a case deal-
 ing with admission by examination as a matter of right,
 is not applicable to the Court's discretionary requirement

in Rule 1A:1 of residence as a condition of admission by reciprocity.

Accordingly, the application is denied. You will find enclosed your \$50 check and your \$175 certified check.

Sincerely yours,

/s/ David B. Beach
Clerk

DBB:dlh
Enclosures

Friedman v. Supreme Court of
— Virginia, CA 86-1130-A —
Plaintiff's Exhibit C

UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF VIRGINIA
Alexandria Division

MYRNA E. FRIEDMAN,

Plaintiff,

v.

CIVIL ACTION
NO. 86-1130-A

SUPREME COURT OF
VIRGINIA, *et al.*,

(Filed Nov. 7, 1986)

Defendants

DAVID B. BEACH, Clerk of the Supreme Court of Virginia, being duly sworn according to law, deposes and says as follows:

1. This will supplement my initial affidavit previously filed along with defendants' papers in this case. I have reviewed the affidavit of plaintiff Myrna E. Friedman attached to plaintiff's Motion for Summary Judgment. In paragraph six of her affidavit, Ms. Friedman alleges that she telephoned the Supreme Court in January, 1986 in order to obtain an application for admission to the Virginia bar, but was told to call back in the spring because they were being changed and were temporarily unavailable. Our application form for admission under Rule 1A:1 has not been changed since October, 1977. Motion admission applications were available upon request in January, 1986, and this office mailed out a number of applications which had been requested in that month. I can only conclude that plaintiff misunderstood what she was told, or perhaps called the wrong office.

Given under my hand this 6th day of November, 1986.

Clerk, Supreme Court of
Virginia

This day personally appeared before me, the undersigned Notary Public, DAVID B. BEACH, who acknowledged the above signature as his own and made oath that the matters and things stated in the foregoing are true to the best of his knowledge, belief and information.

Given under my hand this 6th day of November, 1986.

My commission expires: 4/19/87.

/s/ Deborah J. Henderson
Notary Public

Com. As. Deborah J. Regimbal

MYRNA E. FRIEDMAN,

Plaintiff,

CIVIL ACTION
NO. 86-1130-A

v.

(Filed Nov. 7, 1986)

SUPREME COURT OF
VIRGINIA, *et al.*,

Defendants.

W. SCOTT STREET, III, being duly sworn, according to law, deposes and says the following:

1. I am the Secretary-Treasurer of the Virginia Board of Bar Examiners, which Board is empowered under Va. Code § 54-53, et seq., to administer the Virginia Bar Examination and issue licenses to practice law to applicants who successfully pass the examination and otherwise meet the requirements of the Board. In my capacity as Secretary-Treasurer, I am familiar with the purposes and objectives of the bar examination, and I am custodian of the Board's records relating to the number of examinations administered and licenses issued.

2. There is no requirement of residence in Virginia for admission to the state's bar by examination, nor is there a requirement of residence in Virginia in order to sit and take the examination. The bar examination is administered to resident and non-resident applicants for admission in February and July of each year. The Board intends its examination to be a rigorous test not only of the intellec-

tual fitness generally of an applicant to practice law, but also of an applicant's knowledge and proficiency specifically in Virginia law and procedure. In addition, the Board believes that any applicant for admission to the bar who is willing to take and pass the bar examination exhibits a sincere commitment to service to Virginia, to her bar, and to Virginia clients.

3. In 1985, a combined total of 1,310 applicants sat for the February and July bar examinations. Of this number, 1,136 were residents of the Commonwealth, and 174 were non-residents. A total of 914 applicants passed the 1985 examinations and were issued licenses. Of this number, 786 were residents of the Commonwealth, and 128 were non-residents.

4. In 1986, a combined total of 1,463 applicants sat for the February and July bar examinations. Of this number, 1,227 were residents of the Commonwealth, and 236 were non-residents. A total of 1,036 applicants passed the 1986 examinations and were issued licenses. Of this number, 874 were residents of the Commonwealth, and 162 were non-residents.

Given under my hand this 6th day of November, 1986.

/s/ W. SCOTT STREET, III

Secretary-Treasurer, Virginia
Board of Bar Examiners

COMMONWEALTH OF VIRGINIA)

) to-wit:

CITY OF RICHMOND)

This day personally appeared before me, the undersigned Notary Public, W. SCOTT STREET, III, who ac-

knowldged the above signature as his own and made oath that the matters and things stated in the foregoing are true to the best of his knowledge, belief and information.

Given under my hand this 6th day of November, 1986.

My commission expires: July 22, 1990.

/s/ Beverly F. Pearson
Notary Public

UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF VIRGINIA
Alexandria Division

MYRNA E. FRIEDMAN,)	
)	
Plaintiff,	)	Civil Action
	)	No. 86-1130-A
v.)	
	)	(Filed Nov. 7, 1986)
SUPREME COURT OF)	
VIRGINIA <i>et al.</i> ,)	
)	
Defendants.)	

SUPPLEMENTAL AFFIDAVIT OF
MYRNA E. FRIEDMAN

Myrna E. Friedman hereby declares and states as follows:

1. My name is Myrna E. Friedman. I am the plaintiff in this action, and I am submitting this supplemental affidavit in support of my motion for summary judgment and in opposition to the defendants' motion for summary judgment.

2. In the memorandum in support of their summary judgment motion, the defendants mention the fact that when I applied for admission to the Virginia bar, I also sought admission to the Maryland bar, and they raise the question whether I intend to practice full-time in Virginia, as required under Rule 1A:1(d). I am submitting this affidavit in response.

3. In the letter which accompanied my application for admission to the Virginia bar on motion and in my earlier affidavit, I stated that I intend to practice full-time

in Virginia if admitted to the bar. That has been my intention at all times. While I did take the Maryland practitioners' examination earlier this year (and am waiting to learn the results), there are several reasons why I did this, none of which affects my eligibility for admission to the Virginia bar under Rule 1A:1(d).

4. Both Virginia and Maryland require applicants for admission to their bars to have their character investigated by the National Conference of Bar Examiners (NCBE), and the materials I prepared for submission to the NCBE are attached to my earlier affidavit. If one seeks admission to two bars simultaneously, the NCBE can mail out a single request for information to each previous employer and character reference, analyze the materials that are returned, and submit these data to the licensing bodies in both states. This is more efficient and also less costly to an applicant than asking the NCBE to do the same job twice, and it is also easier on employers and character references if they can respond only once.

5. Although membership in the Maryland bar is not required in my current job, it is possible that my employer or one of its subsidiaries will become involved in litigation in Maryland courts. If that happens (and to my knowledge, it has not occurred to date), my understanding is that we would refer the case to Maryland counsel, but it would still be useful if I could appear on the papers as a member of the Maryland bar. Along the same lines, although I am a member of the District of Columbia bar, any of our litigation in that jurisdiction would also be referred to private counsel.

6. Finally, it is possible that I will leave my current job at some time in the future and take a position which requires regular practice in Maryland. If I gain admission to the Maryland bar now, I could step into any such position promptly if that situation arose. However, that theoretical possibility is remote right now and thus does not affect my eligibility for admission to the Virginia bar at this time.

Pursuant to 28 U.S.C. § 1746, I declare under penalty of perjury that the foregoing is true and correct.

Executed at Washington, D.C. this 6th day of November, 1986.

/s/Myrna E. Friedman

UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF VIRGINIA
Alexandria Division

MYRNA E. FRIEDMAN,

Plaintiff,

CIVIL ACTION
NO. 86-1130-A

v.

(Nov. 14, 1986)

SUPREME COURT OF
VIRGINIA, *et al.*,

Defendants.

MELANIE A. COOVER, being duly sworn, according to law, deposes and says as follows:

1. I am employed by the Virginia State Bar as a Staff Assistant for membership with the responsibility, among other things, of maintaining records relating to membership in the Virginia State Bar.

2. The records of the Virginia State Bar reflect that currently there are 14,314 members engaged in active practice in Virginia. In addition, the bar's records reflect that there are 4,604 associate members who do not engage in active practice, 571 judicial members, and 577 retired or disabled members, for a total membership of 20,066. Of that number, the bar's records reflect that as of June 23, 1986, there were 1,871 non-resident members engaged in active practice in Virginia.

Executed at Richmond, Virginia this 13th day of November, 1986.

/s/ MELANIE A. COOVER

COMMONWEALTH OF VIRGINIA)
) to-wit:
 CITY OF RICHMOND)

This day personally appeared MELANIE A. COOVER before me, the undersigned Notary Public, who acknowledged the above signature as her own and made oath that the matters and things stated in the foregoing are true to the best of her knowledge, belief and information.

Given under my hand this 13th day of November, 1986.

My Commission Expires: 4/19/87.

/s/ Deborah J. Henderson

Notary Public
 Commissioned As Deborah J.
 Henderson

UNITED STATES DISTRICT COURT
 FOR THE EASTERN DISTRICT OF VIRGINIA
 Alexandria Division

MYRNA E. FRIEDMAN,

Plaintiff,

CIVIL ACTION
 NO. 86-1130-A

v.

SUPREME COURT OF
 VIRGINIA, *et al.*,

Defendants.

DAVID B. BEACH, being duly sworn, according to law, deposes and says the following:

1. That I am the Clerk of the Supreme Court of Virginia. In the course of performing the regular and customary duties of the Clerk, I am familiar with the manner in which the Supreme Court administers its Rules relating to the admission of foreign attorneys to practice in this state without examination. In addition, my office mails out applications for admission of foreign attorneys upon request, and maintains records relating to applications mailed.

2. In the three week period between October 23rd and November 13th, 1986, before the District Court's ruling in this case, the Clerk's office mailed out 33 foreign attorney applications to attorneys with addresses in Virginia, and 19 to attorneys with out of state addresses. In the three week period between November 14th and December 5th, 1986, following this Court's ruling, the Clerk's office mailed out 28 applications to attorneys with Virginia ad-